

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 09-2024

AN ORDINANCE AMENDING CHAPTER 146, ARTICLE II (“WATER”) AND ARTICLE III (“SEWERS”) OF THE CODE OF THE BOROUGH OF CAPE MAY POINT

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Chapter 146 “Water and Sewer Utility” of the Code of the Borough of Cape May Point be and is hereby amended as follows (deletions in ~~strikethrough~~ and additions in underline):

Section 1.

146-3 APPLICATION FOR CONNECTION.

Application for connection to the water distribution system shall be made in writing on a form supplied by the Water-Sewer Clerk and signed by the owner of the property for which the connection is being applied for or by his authorized agent. The information required to be provided by the applicant on the application form shall be applicable to all applications, unless specifically exempted therein.

146-4 SUPERVISORY APPROVAL OF APPLICATION FOR CONNECTION REQUIRED PRIOR TO APPROVAL OF APPLICATION.

Prior to the approval of any application for connection to the Borough’s water/sewer system, completed applications shall be reviewed and approved by the Borough’s Superintendent of the Water/Sewer Department. Approval of all submitted applications for connection to the Borough’s Water/Sewer system, or required amendments to any submitted applications, shall be in the discretion of the Superintendent of the Water/Sewer Department. The Superintendent of the Borough’s Water/Sewer Department shall also have discretion as to the method of supervisory review to be completed pursuant to this section.

146-5 LICENSE, INSURANCE, & BOND REQUIREMENT FOR INSTALLATION CONTRACTOR.

All installation contractors identified on the application form, as required by Chapter 146, Section 3, shall be licensed with the State of New Jersey, and insured in the required amounts set forth on the Borough’s application form. Each installation contractor shall also be required to post a performance bond with the Borough of Cape May Point in the amount of \$500,000.00 before the issuance of a permit to connect to the Borough’s water/sewer system can be provided.

146-6 REQUIREMENT FOR PAYMENT OF INSPECTION FEE IF INSTALLATION IS ON COUNTY ROAD

In the event that any connection to the Borough's water/sewer system occurs along a County roadway within the boundaries of the Borough of Cape May Point, the applicant, in addition to abiding by all other requirements of this Chapter, shall be required to post an inspection fee in the amount of \$1,000 per day to the Borough of Cape May Point.

Section 2.

Existing subsections 146-4 through 146-12 shall be renumbered 146-7 through 146-15

Section 3.

146-16~~3~~ METERED SERVICE FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CONSUMERS.

- a. Metered service for residential, commercial and industrial customers shall be:
 1. Minimum water charge for equivalent dwelling unit: \$110 per calendar quarter, payable quarterly beginning in the third quarter of 2021, for 26,000 gallons per year minimum water consumption allowance. Refer to 146-59b for the chart of equivalent dwelling units.
 2. Excess Water Charge. Beginning in the third quarter of 2021, in addition to the minimum annual water charge set forth above, a charge will be made for all water use registered by the meter in excess of the minimum allowable usage of 6,500 gallons per quarter at the rate of \$11.05 per 1,000 gallons or a fraction thereof used for all customers. Beginning in January 2025 and reoccurring annually thereafter, the excess water charge shall increase by 2% per year in order for the Borough to offset increased costs for the supply of potable water to the Borough.
 3. Minimum Water Charge Annual Percentage Increase. On the first of January beginning in 202~~5~~2 and reoccurring annually thereafter, the minimum water charge for residential, commercial and industrial customers shall increase by 4~~2~~2% per year in order for the Borough to offset increased costs for the supply of potable water to the Borough. This rate increase shall also apply to churches operating in the summer months.
 4. Special Water Meter Requests. Written application may be made to the Superintendent for the installation of special water meters for swimming pools, air conditioners, sprinklers and similar uses not discharging the entire volume of water into the sanitary sewer system, and the volume of water flowing through special meters shall not be subject to sewer rental. The entire cost of the meter and the installation of the meter shall be

borne by the applicant. The fee is \$1,415 to include parts to be supplied by the Borough. All water use registered by this meter will be charged at a rate of \$11.05 per 1,000 gallons or fraction thereof, along with a quarterly fee of \$30. The provision in section 146-136(a)(3) above shall apply.

- b. Churches operating in the summer months shall be charged \$11.05 per 1,000 gallons or a fraction thereof, as registered by the meter. There is no minimum required or an excess category. These accounts will be invoiced as a consumption account. The Marianist Family Retreat Center and St. Mary's Convent are handled as part of the overall residential system of billing. The provisions set forth in 146-136a32 and a4, above, shall apply to churches as set forth herein. The rate increase set forth in Paragraph 3, above, shall also apply to churches operating in the summer months. The rate increase set forth in Paragraph 3, above, shall also apply to churches operating in the summer months.

Section 4.

Existing subsections 146-14 through 146-16 shall be renumbered 146-17 through 146-19.

Section 5.

146-2017 COLLECTIONS.

d. Water Leakage Policy.

1. It is the responsibility of every homeowner to prevent water leakage year-round and to take proper precautions to winterize their home. This is particularly important for homes raised off the ground on pilings. A homeowner is disqualified from receiving relief should there be a pipe breakage caused by failure to winterize the home.
2. If the home had been winterized, and there was no reasonable way for a pipe breakage to have been discovered, and there had been no other breakage or unusually large water consumption in the prior five-year period, then, and in that event, water usage shall be computed as outlined in paragraphs 3a through 3c below. The property owner must also provide substantiation that the house was winterized in order to receive relief.
3. If a homeowner experienced a catastrophic event not specifically related to winterizing their home, such as a broken water line or malfunctioning equipment or similar event, for which there was no reasonable way for the leakage to be discovered, and there had been no other breakage or unusually large water consumption in the prior five-year period, then, and in that event, water usage shall be computed as outlined in paragraphs a through c below. A leaking toilet, faucet or outdoor shower or malfunctioning irrigations system do not qualify as a catastrophic event.
 - (a) The average five-years' usage, or a minimum of the 26,000 gallons annual

usage, will be invoiced at the prevailing standard Cape May Point water customer rate; and

- (b) The next 200,000 gallons excess will be invoiced at the interlocal bulk purchase rate, plus a \$1 per 1,000 gallons' administrative charge; and
 - (c) All excess water beyond that will be invoiced directly at the interlocal bulk purchase rate for that year.
 - (d) All excess sewer charges beyond the average five years usage, or a minimum of the 26,000 gallons annual usage, will be forgiven if it is proven by the property owner, to the reasonable satisfaction of the Borough, that none of the excess water leakage was discharged into the Borough sewer system.
4. A request for adjustment must be made in writing and be accompanied by an affidavit from a licensed plumber or person making repairs certifying the nature of the malfunction, the date of occurrence, its duration, the repairs made to correct it and an itemized invoice detailing the services performed. The homeowner must also give consent to the Borough to enter the property to inspect it and to investigate the request for adjustment if necessary.

Section 6.

Existing subsection 146-18 shall be renumber 146-21

Section 7.

Article III Sewers subsections 146-19 through 146-24 shall be renumbered 146-22 through 146-27

Section 8.

146-28 APPLICATION FOR CONNECTION

Application for connection to the Borough sewage system shall be made in writing on a form supplied by the Water-Sewer Clerk and signed by the owner of the property for which the connection is being applied for or by his authorized agent. The information required to be provided by the applicant on the application form shall be applicable to all applications, unless specifically exempted therein.

Section 9.

Existing sections 146-25 through 146-36 shall be renumbered 146-29 through 146-40

Section 10.

146-41 SUPERVISORY APPROVAL OF APPLICATION FOR CONNECTION REQUIRED PRIOR TO APPROVAL OF APPLICATION.

Prior to the approval of any application for connection to the Borough's water/sewer system, completed applications shall be reviewed and approved by the Borough's Superintendent of the Water/Sewer Department. Approval of all submitted applications for connection to the Borough's Water/Sewer system, or required amendments to any submitted applications, shall be in the discretion of the Superintendent of the Water/Sewer Department. The Superintendent of the Borough's Water/Sewer Department shall also have discretion as to the method of supervisory review to be completed pursuant to this section.

146-42 LICENSE, INSURANCE, & BOND REQUIREMENT FOR INSTALLATION CONTRACTOR.

All installation contractors identified on the application form, as required by Chapter 146, Section 28, shall be licensed with the State of New Jersey, and insured in the required amounts set forth on the Borough's application form. Each installation contractor shall also be required to post a performance bond with the Borough of Cape May Point in the amount of \$500,000.00 before the issuance of a permit to connect to the Borough's water/sewer system can be provided.

146-43 REQUIREMENT FOR PAYMENT OF INSPECTION FEE IF INSTALLATION IS ON COUNTY ROAD

In the event that any connection to the Borough's water/sewer system occurs along a County roadway within the boundaries of the Borough of Cape May Point, the applicant, in addition to abiding by all other requirements of this Chapter, shall be required to post an inspection fee in the amount of \$1,000 per day to the Borough of Cape May Point.

Section 11.

Existing subsection 146-37 shall be renumbered 146-44.

Section 12.

146-45~~38~~ SURFACE RUNOFF AND GROUNDWATER DRAINS.

- a. No person shall connect roof, foundation, areaway, parking lot, roadway or other surface runoff or groundwater drains to any sewer which is connected to a wastewater treatment facility. In the event that a violation of this section is discovered by the Borough, the offending party shall be subject to a fine of \$1,000.00 per violation.

Section 13.

Existing subsections 146-39 and 146-40 shall be renumbered 146-46 and 146-47.

Section 14.

146-~~484~~ RESTRICTED CONNECTIONS.

All discharges of stormwater, surface water, groundwater, roof runoff and subsurface drainage shall be made to storm sewers or natural outlets designed for such discharges. Any connection, drain or arrangement which will permit any such waters to enter any wastewater sewer shall be deemed to be a violation of this section and this Article. In the event that a violation of this section is discovered by the Borough, the offending party shall be subject to a fine of \$1,000.00 per violation.

Section 15.

Existing subsections 146-42 through 146-51 shall be renumbered 146-49 through 146-58.

Section 16.

146-~~595~~2 SERVICE CHARGES

- a. Each dwelling unit shall be charged for direct or indirect connections or use of the Borough sewer system at the rate of \$114 quarterly per equivalent dwelling unit.
- b. For the purpose of paragraph a hereof, equivalent dwelling units shall be charged in accordance with the following schedule¹:

Type of User	Number of Equivalent Dwelling Units
Single-family residence	1
Apartments or multifamily dwelling units (per unit)	1
Rooming house	2
Restaurant	2

¹ This chart shall also be applicable to water rates that are charged, as set forth in Article II of this Chapter 146 of the Borough of Cape May Point Municipal Code.

Type of User	Number of Equivalent Dwelling Units
Store	1
Office	1
Other business use	1
Large institutional rooming house on 1 1/2-inch meter	9
Large institutional rooming house on 2-inch meter	35
Park	15

- c. Excess Sewage Usage Charge. Sewage Usage Charges will consist of a "minimum sewer rate" of 6,500 gallons of water allowance per quarter. Beginning in the first quarter of 2022, in addition to the minimum sewer rate as set forth above, a charge will be made for each gallon of water use in excess of the minimum allowable usage of 6,500 gallons per quarter at the rate of \$5.05 per 1,000 gallons or a fraction thereof used for all customers. Beginning on January 1, 2025, and reoccurring annually thereafter, the excess sewage usage charge shall increase by 2% per year in order to offset increased costs to the Borough.
- d. Payment of Sewer Bills. Sewer user services charges furnished by the Water/Sewer Utility shall be sent out quarterly and shall be due and owing in full within 30 days of the mailing date thereof. Any sewer usage bill which is not paid in full within this 30 day period shall thereafter bear interest on the total amount owed on the account of 18% per annum. In the event that any account, including interest thereon, is not paid in full within one year from the date of the bill for the past due amount shall result in a municipal lien being placed against the property. The imposition of any such municipal lien shall be in addition to any other remedies the Borough shall have to collect the full amount, including interest, of the monies owed it for sewage usage charges.
- e. Unpaid Arrearages. Unpaid arrearages carried past December 31 into the following year, will receive a flat rate surcharge of \$25 per equivalent dwelling

unit, in addition to the monthly penalty defined in 146-592d.

- f. Sewage Service Annual Percentage Increase. On the first of January beginning in 2025 and reoccurring annually thereafter, the minimum sewage usage charge for residential, commercial and industrial customers shall increase by 24% per year in order for the Borough to offset increased costs to the Borough.

Section 17. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this Ordinance.

Section 18. This ordinance shall take effect twenty (20) days after passage and publication, according to law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch	X		X			
Moffatt		X	X			
vanHeeswyk			X			

ATTEST:

Elaine L. Wallace, Borough Clerk

Catherine Busch, Commissioner

Robert Moffatt, Mayor

Anita vanHeeswyk, Commissioner

FIRST READING: March 26, 2024
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